

FILED

UNITED STATES COURT OF APPEALS

JAN 09 2008

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RANDY VALMER,

Defendant - Appellant.

No. 06-10061

D.C. No. CR-04-00308-RCJ

District of Nevada,

Las Vegas

ORDER

Before: SCHROEDER and CLIFTON, Circuit Judges, and SCHIAVELLI,*
District Judge.

The panel has voted to deny the petition for panel rehearing, with Judge Clifton voting to grant that petition. Judge Schroeder and Clifton have voted to deny the petition for rehearing en banc, and Judge Schiavelli so recommends.

The full court has been advised of the petition for rehearing en banc and no judge of the court has requested a vote on whether to rehear the matter en banc.

Fed. R. App. P. 35.

The petition for rehearing and the petition for rehearing en banc are
DENIED.

* The Honorable George P. Schiavelli, United States District Judge for the Central District of California, sitting by designation.